

North Coast Regional Water Quality Control Board

June 17, 2019

Mazari Farms Inc. and Flore Farms Inc.
6413

Tobias Hafenecker-Dodge
60 Rausch Street #208
San Francisco, CA, 94103
lastresortsvip@gmail.com

Certified Mail 7016 2710 0000 2635

Dear Tobias Hafenecker-Dodge:

Subject: **Notice of Violation** for violations of the Cannabis General Order

File: Tobias Hafenecker-Dodge, Cannabis Waste Discharge Regulatory Program, CIWQS Place ID No. 823853, Regional Order WDID 1B16290CHUM, Cannabis General Order WDID 1_12CC403261

This letter is to notify you of observed violations of the requirements listed below for unauthorized discharges to waters of the state and the United States from Humboldt County Assessor Parcel Numbers (APNs) 223-074-004-000 and 223-074-009-000 (Property).

1. The North Coast Regional Water Quality Control Board's (Regional Water Board) Order No. R1-2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects*¹, (Regional Cannabis Order), various provisions,
2. State Water Resources Control Board Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with

¹ North Coast Regional Water Quality Control Board Order No. 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects can be found online at https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_0023_Cannabis_Order.pdf

(footnote continued on next page)

Cannabis Cultivation Activities² (Cannabis General Order, or CANGO various provisions,

3. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1,
4. The California Water Code (Water Code) sections 13260, 13264, and 13376, and
5. Federal Clean Water Act Section 301 (a), 401 and 404.

Failure to take corrective action may result in penalties of up to \$1,000 per day

You are receiving this letter because you operate on and/or own the Property that is used for commercial cannabis cultivation purposes. As of the date of drafting this letter, the cannabis cultivation operation located on this Property is enrolled in the Cannabis General Order as Tier 1, low risk to water quality. On March 22, 2019, Regional Water Board staff (staff) inspected the Property and determined that the risk designation for this Property is incorrect and must be updated from Tier 1 low-risk to Tier 2 high-risk, additional technical reports must be submitted as a result of the high-risk designation, and the violations of the Cannabis General Order, see Appendix A at the end of this letter, must be addressed.

I. Background

On April 10, 2018, Regional Water Board staff, accompanied by staff of the State Water Board Division of Water Rights (Division), California Department of Fish and Wildlife (CDFW) and Humboldt County Planning and Building Department, inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions associated with cannabis cultivation and associated activities and, for Regional Water Board staff, to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state. At the time of the inspection, the Property was enrolled for coverage as a Tier 2 site under the Regional Cannabis Order, with an effective enrollment date of June 22, 2016.

Staff emailed the water quality inspection report (2018 Inspection Report) to you on July 27, 2018. The 2018 Inspection Report identified features at the Enlarged Pond, Glass House and Shady Grove that represented threats to water quality requiring

² State Water Resources Control Board Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities can be found online at https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcan101717.pdf

cleanup and maintenance prior to the 2018-19 winter season.

On July 2, 2018, you transferred enrollment of the Property from the Regional Cannabis Order to CANGO, enrolling the Property as a Tier 1, low-risk site.

On March 22, 2019, in cooperation with you and your consultants, staff of the Regional Water Board and other agencies again inspected the Property, as documented in the attached March 2019 Inspection Report.

II. Relevant Requirements

Based upon observations made during both the April 2018 and March 2019 inspections, and in reviewing available documentation associated with enrollment under the Regional Cannabis Order and Cannabis General Order, staff identified several features and conditions on the Property that represent violations of water quality requirements and regulations. References to these requirements and regulations are included in Appendix A – Regulatory Citations.

III. Observed Violations

As documented in the April 2018 Inspection Report, Regional Water Board staff observed features and conditions on the Property violating the Regional Cannabis Order Standard Conditions I.A.1.a, I.A.1.b, I.A.1.d, I.A.1.e, I.A.2.a, I.A.2.b, I.A.2.d, I.A.2.e, I.A.3.a, I.A.3.b, I.A.5.f, I.A.7.a, I.A.7.c, I.A.9.a, I.A.10, I.A.11.b, IV.A, IV.B. The Water Resource Protection Plan was not available onsite during the inspection and it was not produced upon request by Regional Water Board staff; this violated Regional Cannabis Order, sections I.B and II.A. Staff observed these violations at Property locations identified in the April 2018 Inspection Report as Sites 1, 2, 3, 4, 5 and 8, and at several points throughout the property where roads were not designed and/or maintained adequately. Additionally, discharges of potting soil into a tributary to Buck Mountain Creek at the Shady Grove site and potential discharges of potting soils into a tributary to Panther Canyon at the Glass House are violations of the Basin Plan, section 4.2.1, Prohibitions 1 and 2. Also, the dredge and fill within a tributary to Panther Canyon associated with enlarging a pond in 2015, without Clean Water Act section 404 and 401 permits, violates federal Clean Water Act Section 301 (a).

By March 22, 2019, when staff again inspected the Property, the Property was enrolled for coverage under the CANGO rather than the Regional Cannabis Order, but onsite conditions remained largely the same with respect to impacts and threatened impacts to water quality. Conditions that had represented violations of standard conditions and other provisions of the Regional Cannabis Order now violated similar provisions and requirements of the CANGO, but in either case continued to represent unauthorized discharges or threatened discharges of waste to receiving waters. Areas of continuing concern included the ~0.8-acre pond on top of a tributary to Panther Canyon (Enlarged Pond); the grow pad with green house

(Glass House) encroaching on a tributary to Panther Canyon; and potting soils piled within 100 feet of the top bank of the watercourse. Staff also observed roads and water crossings that had not been designed, constructed, and maintained consistent with the Road Handbook and Attachment A in the Cannabis General Order.

The enclosed inspection report for the March 2019 inspection describes and documents observations made by staff. Appendix A to this NOV identifies relevant standard conditions and provisions of the Regional Cannabis Order and requirements and provisions of the CANGO which your Property is not meeting, as well as other applicable water quality requirements and regulations which you and/or your Property are violating.

IV. Legal requirements and directive to modify enrollment in the Cannabis General Order to Tier 2 high-risk

In your application for enrollment under the CANGO, in July 2018, you indicated a cannabis cultivation size of 43,500 square feet and a disturbed area of 43,500 square feet, suggesting there was no disturbed area other than the cultivation area. However, the Enlarged Pond, Glass House, and all access roads and water crossings that have not been designed, constructed, and maintained consistent with the Road Handbook and Attachment A of the CANGO, are considered disturbed areas, as well. Therefore, the total disturbed area on the Property is more than 43,560 square feet, one acre, so the Property does not meet the requirements to qualify as a Tier 1 site. Instead, the Property should be enrolled as Tier 2. Furthermore, cannabis cultivation dischargers must comply with minimum riparian setbacks as described in the Cannabis General Order.

If any land disturbance activities are occurring within the riparian setback, the site must be enrolled as high-risk. The Enlarged Pond's retaining buttress is a disturbed area on top of a watercourse, and therefore does not meet setback requirements. Additionally, the features associated with cultivation at the Glass House do not meet setback requirements.

The Cannabis General Order provides for a high-risk designation as a temporary condition that exists until you stabilize the disturbed area and cease all cannabis cultivation-related activities located within the riparian setback. Once the riparian setback area is stabilized and the Regional Water Board approves the work, you can request to reclassify the site as either low or moderate risk, depending upon the site conditions, allowing a lower annual fee to be assessed. Your high-risk designation is therefore temporary until you reconfigure your operations to comply with the riparian setback requirements, per an approved plan.

Pursuant to California Water Code section 13260 and Cannabis General Order Provision C.2.i, the Regional Water Board requires you to modify your application information and to enroll with the designation of Tier 2, high-risk by doing the following:

Within 15 days of the date of this letter you must:

1. Obtain coverage under the Cannabis General Order as a Tier 2, high-risk facility.
 - a. To modify enrollment, you must handwrite in your selection for "Tier 2 – High-Risk" on page eight of the enclosed Application Summary and sign and date next to the handwritten change.
 - b. Submit a copy of the edited summary to NorthCoast.Cannabis@waterboards.ca.gov.

If you fail to take the action described above, the Regional Water Board may impose penalties of up to \$1,000 per day pursuant to Water Code section 13261 for violations of section 13260.

V. Site Management Plan (SMP)

Pursuant to the CANGO, all enrollees must submit a Site Management Plan within 90 days of enrollment. You have been in violation of this requirement since October 1, 2018. Accordingly, within 15 days of the date of this letter, you must:

1. Submit a Site Management Plan (SMP) that:
 - a. Contains the minimum components listed in CANGO, Attachment D, Site Management Plan Pages D-1 thru D-3.
 - b. Contains a timeline for addressing all water quality concerns documented in the enclosed April 10, 2018 inspection report and attached March 22, 2019 report, including all road work, culvert replacements, and decommissioning of the Shady Grove Site.
 - c. The timeline should include proposals include deadlines for applying for each required local, state, and federal permit.

VI. Disturbed Area Stabilization Plan (DASP) and Site Erosion and Sediment Control Plan (SESCP)

Pursuant to the CANGO, all enrollees with a site risk of Moderate or higher must submit a Site Erosion and Sediment Control Plan; and all High-Risk enrollees must submit a Disturbed Area Stabilization Plan, within 90 days of enrollment. Accordingly, within 105 days of the date of this letter, you must:

1. Submit a Disturbed Area Stabilization Plan that:
 - a. Contains the minimum components listed in CANGO, Attachment D, Disturbed Area Stabilization Plan Pages D-9 and D-10.
 - b. Contains a solution for water storage on your site that meets the requirements of Humboldt County, CDFW, and State Water Resources Control Board CANGO. The solution should include a plan, prepared by a licensed civil engineer, for stabilizing the area of the Enlarged Pond, including a description

- of how long-term impacts from erosion and sedimentation sources will be prevented (e.g., re-grading and reengineering etc.).
- c. Identification of the property boundary between APNs 223-074-006-000 and 223-074-004-000 by a licensed surveyor, and a description of how you will obtain permission from neighboring landowner(s) for any needed encroachments.
 - d. A solution for the Glass House including a plan, prepared by a licensed civil engineer, for protecting the Glass House landing fill from erosion and proposed management practices for preventing transport of cultivation related wastes from the Glass House to receiving waters.
 - e. An instream workplan and associated Clean Water Act section 401 water quality certification application for all instream work proposed for the Enlarged Pond and Glass House. This application shall identify all locations and areas of existing impacts to surface waters, propose measures to prevent, minimize and mitigate past and future impacts to surface waters.
 - f. A timeline for conducting and completing all work related to remediating the Enlarged Pond and Glass House disturbed areas, including deadlines for applying for each required local, state, and federal permit.
2. Submit a Site Erosion and Sediment Control Plan that includes:
- a. The minimum components listed in CANGO, Attachment D, Site Erosion and Sediment Control Plan Pages D-4 and D-5.
 - b. Identification of appropriate interim stabilization measures to be implemented for the 2019-2020 rainy season.
 - c. A winter monitoring and reporting plan to verify the effectiveness of the interim measures and timely identification prevention of threatened discharge of sediment to surface waters.

The Regional Water Board reserves the right to take any enforcement action the law allows. Additionally, enrollment in the Cannabis General Order does not relieve you of responsibility to obtain other necessary local, state, or federal permits, nor does the Cannabis General Order prevent imposition of additional standards, requirements, or conditions by any other agency. In the event of duplicate or conflicting requirements, the most stringent requirement applies.

VII. Potential Liabilities

The observed violations on the Property create potential liability enforceable by the Regional Water Board. Discharges or threatened discharges of waste, including earthen material, into waters of the state that create a condition of nuisance or pollution may subject a person to a Cleanup and Abatement Order pursuant to Water Code section 13304. An actual discharge to waters of the state, including waste discharges in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued by a regional board may subject a person to an administrative liability up to \$5,000 per day of violation for each violation, or \$10 for each gallon of

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waste discharged pursuant to Water Code section 13350 or up to \$10 per gallon for each gallon over 1,000 gallons not cleaned up, and up to \$10,000 per day per violation pursuant to Water Code section 13385. Additionally, pursuant to Water Code sections 13261 and 13265, it is the Regional Water Board's intent for this Notice of Violation to constitute the type of notice that is required as a condition precedent to the potential penalties described therein.

The Regional Water Board staff is in the process of assessing these violations and retains its full authority and discretion to bring formal enforcement for all violations.

For any technical questions on this matter, please contact Brian Fuller at 707-576-2806 or Brian.Fuller@waterboards.ca.gov.

You may also contact me at Diana.Henrioulle@waterboards.ca.gov or (707) 576-2350. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Original Signed by

Diana Henrioulle, P.E.
Enforcement Unit

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Attachments: 1) Appendix A—Regulatory Citations

Enclosures: 1) April 10, 2018, Water Quality Inspection Report
2) March 22, 2019, Water Quality Inspection Report
3) CANGO Application Summary

cc: **Consultants for the discharger**
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North Coast Regional Water Quality Control Board

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Regulatory Section	Citation
Regional Cannabis Order section I.A Standard Condition 1.a.	"[r]oads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters."
Regional Cannabis Order section I.A Standard Condition 1.b.	"[r]oads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets."
Regional Cannabis Order section I.A Standard Condition 1.d.	"[r]oads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams."
Regional Cannabis Order section I.A Standard Condition 1.e.	"[d]itch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters."
Regional Cannabis Order section I.A Standard Conditions 2.a.	"[c]ulverts and stream crossings shall be sized to pass the expected 100-year peak streamflow."
Regional Cannabis Order section I.A Standard Conditions 2.b.	"[c]ulverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow."
Regional Cannabis Order section I.A Standard Conditions 2.d.	"[s]tream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks"

Regulatory Section	Citation
Regional Cannabis Order section I.A Standard Conditions 2.e.	“[c]ulverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.”
Regional Cannabis Order section I.A Standard Conditions 3.a.	“[f]or Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its Executive Officer may apply additional or alternative conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.”
Regional Cannabis Order section I.A Standard Conditions 3.b.	“[b]uffers shall be maintained at natural slope with native vegetation.
Regional Cannabis Order section I.A Standard Condition 5.f.	“[w]ater storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.”
Regional Cannabis Order section I.A Standard Condition 7.a.	“[f]ertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.
Regional Cannabis Order section I.A Standard Condition 7.c.	“[c]ultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

Regulatory Section	Citation
Regional Cannabis Order section I.A Standard Condition 9.a.	“[p]etroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.”
Regional Cannabis Order section I.A Standard Condition 10.	“[c]ultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or ground waters.”
Regional Cannabis Order section I.A Standard Conditions 11.b.	“[r]efuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters”
Regional Cannabis Order, Provision I.B	“[t]ier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff.”
Regional Cannabis Order, Section II.A	“Procedure” states that, “Dischargers under Tier 2 shall develop and begin implementing a water resource protection plan by 180 days from the submittal date of the NOI.”
Regional Cannabis Order, Section IV.A	“[t]he placement or disposal of earthen materials, soil, silt, plant waste, slash, or other organic, or inorganic refuse, rubbish, and solid waste, bio-stimulatory substances and/or water containing elevated temperatures above background conditions, and/or chemicals, such as but not limited to pesticides, fertilizers, or other substances into any stream or watercourse is prohibited.”

Regional Cannabis Order, Section IV.B	“[t]he placing or disposal of earthen materials, soil, silt, plant waste, slash, or other organic, or inorganic refuse, rubbish, and solid waste, water containing elevated temperatures above background conditions, chemicals, bio-stimulatory substances, and/or chemicals such as but not limited to pesticides, fertilizers or other substances in a location where such may discharge into streams or watercourses is prohibited.”
Regulatory Section	Citation
Section 2 – Access Road/Land Development and Drainage, Number 15, Page 31	“[a]ccess roads shall be constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The Road Handbook describes how to implement the regulations and is available at < http://www.pacificwatershed.com/PWA-publicationslibrary >. Existing access roads shall be upgraded to comply with the Road Handbook.”
Section 2 – Access Road/Land Development and Drainage, Number 17, Page 31	“[c]annabis cultivators shall ensure that all access roads are hydrologically disconnected to receiving waters to the extent possible by installing disconnecting drainage features, increasing the frequency of (inside) ditch drain relief as needed, constructing out-sloped roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.”
Section 2 – Access Road/Land Development and Drainage, Number 20, Page 31	“[i]f site conditions prohibit drainage structures (including rolling dips and ditch-relief culverts) at adequate intervals to avoid erosion, the cannabis cultivator shall use bioengineering techniques ¹² as the preferred measure to minimize erosion (e.g., live fascines). If bioengineering cannot be used, then engineering fixes such as armoring (e.g., rock of adequate size and depth to remain in place under traffic and flow conditions) and velocity dissipaters (e.g., gravel-filled “pillows” in an inside ditch to trap sediment) may be used for problem sites. The maximum distance between water breaks shall not exceed those defined in the Road Handbook.”

Section 2 – Access Road/Land Development and Drainage, Number 22, Page 32	“[c]annabis cultivators shall ensure that access road surfacing, especially within a segment leading to a waterbody, is sufficient to minimize sediment delivery to the wetland or waterbody and maximize access road integrity. Road surfacing may include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced. Steeper access road grades require higher quality rock (e.g., crushed angular versus river-run) to remain in place. The use of asphalt grindings is prohibited.”
Section 2 – Access Road/Land Development and Drainage, Number 23, Page 32	“[c]annabis cultivators shall install erosion control measures on all access road approaches to surface water diversion sites to reduce the generation and transport of sediment to streams.”
Regulatory Section	Citation
Section 2 – Access Road/Land Development and Drainage, Number 24, Page 32	“[c]annabis cultivators shall ensure that access roads are out-sloped whenever possible to promote even drainage of the access road surface, prevent the concentration of storm water flow within an inboard or inside ditch, and to minimize disruption of the natural sheet flow pattern off a hill slope to a stream.”
Section 2 – Access Road/Land Development and Drainage, Number 25, Page 32	“[i]f unable to eliminate inboard or inside ditches, the cannabis cultivator shall ensure adequate ditch relief culverts to prevent down-cutting of the ditch and to reduce water runoff concentration, velocity, and erosion. Ditches shall be designed and maintained as recommended by a qualified professional. To avoid point-source discharges, inboard ditches and ditch relief culverts shall be discharged onto vegetated or armored slopes that are designed to dissipate and prevent runoff channelization. Inboard ditches and ditch relief culverts shall be designed to ensure discharges into natural stream channels or

	watercourses are prevented.”
Section 2 – Access Road/Land Development and Drainage, Number 26, Page 32	“[c]annabis cultivators shall ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gullyng. Cannabis cultivators shall use water bars and rolling dips as designed by a qualified professional to minimize access road surface erosion and dissipate runoff.”
Section 2 – Access Road/Land Development and Drainage, Number 28, Page 32	“[a]ccess road storm water drainage structures shall not discharge onto unstable slopes, earthen fills, or directly to a waterbody. Drainage structures shall discharge onto stable areas with straw bales, slash, vegetation, and/or rock riprap.”
Section 2 – Fertilizers, Pesticides, and Petroleum Products, Number 104, Page 44	“[c]annabis cultivators shall not mix, prepare, over apply, or dispose of agricultural chemicals/products (e.g., fertilizers, pesticides ²² , and other chemicals as defined in the applicable water quality control plan) in any location where they could enter the riparian setback or waters of the state. The use of agricultural chemicals inconsistently with product labeling, storage instructions, or DPR requirements for pesticide applications is prohibited. Disposal of unused product and containers shall be consistent with labels.”

Regulatory Section	Citation
Section 2 – Fertilizers, Pesticides, and Petroleum Products, Number 107, Page 45	“[t]hroughout the wet season, Cannabis Cultivators shall ensure that any temporary storage areas have a permanent cover and side-wind protection or be covered during non-working days and prior to and during rain events.”
Section 2 – Fertilizers and Soils, Number 114, Page 45	“[c]annabis cultivators shall ensure that potting soil or soil amendments, when not in use, are placed and stored with covers, when needed, to protect from rainfall and erosion, to prevent discharge to waters of the state, and to minimize leaching of waste constituents into groundwater.”
Section 2 – Petroleum Products and Other Chemicals, Number 118, Page 46	“[c]annabis cultivators shall store petroleum, petroleum products, and similar fluids in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain.”
Section 2 – Cultivation-Related Waste, Number 121, Page 46	“[c]annabis cultivators shall only dispose or reuse spent growth medium (e.g., soil and other organic media) in a manner that prevents discharge of soil and residual nutrients and chemicals to the riparian setback or waters of the state. Spent growth medium shall be covered with plastic sheeting or stored in water tight dumpsters prior to proper disposal or reuse. Spent growth medium should be disposed of at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Proper reuse of spent growth medium may include incorporation into garden beds or spreading on a stable surface and revegetating the surface with native plants. Cannabis cultivators shall use erosion control techniques, as needed, for any reused or stored spent growth medium to prevent polluted runoff.”
Section 5 – Technical Report Preparation Requirements for	“[w]ithin 90 days of the issuance of a notice of receipt, Tier 1 and Tier 2 cannabis cultivators shall submit and implement a Site Management Plan that describes how the cannabis cultivator

Cannabis General Order, Page 79	is complying with the Requirements listed in Attachment A.”
Basin Plan Section 4.2.1, Prohibition 1	Prohibits “[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses.”

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”
California Water Code Section 13260	<p>“(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:</p> <p>(1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.</p> <p>(2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”</p>
California Water Code Section 13264 (a)	“No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:”
California Water Code Section 13376	“A person who discharges pollutants or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state shall file a report of the discharge in compliance with the procedures set forth in Section 13260.”

Regulatory Section	Citation
Federal Clean Water Act Section 301 (a):	Section 301(a) provides that except as in compliance with this section [301] and section 1342 and 1344 of the Clean Water Act, “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). The relevant exceptions allowed for under the Clean Water Act are the discharge of dredged and fill material into navigable waters pursuant to section 404 or the discharge of any pollutant to navigable waters from any point source pursuant to section 402 of the Clean Water Act. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 402 permit and/or prohibits the discharge of dredge and fill material without a section 404 permit and a section 401 state water quality certification.
Federal Clean Water Act Section 401	Section 401 (a)(1) “Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates”
Federal Clean Water Act Section 404	Section 404(a) provides, in relevant part, “The Secretary may issue permits...for the discharge of dredged or fill material into the navigable waters...” The Code of Federal Regulations defines the term “dredged material” as material that is excavated or dredged from waters of the United States. 33 C.F.R. § 323.2(c). The term “discharge or dredged material” mean any addition of dredge material into the waters of the United States. 33 C.F.R. § 323.2(d)(1). The Code of Federal Regulations defines “fill material” as material placed in waters of the United States that has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States. 33 C.F.R. § 323.2(e)(1). The term “discharge of fill material” means the additional of fill material into waters of the United States. 33 C.F.R. § 323.2(f).